

CAUSE NO. CL-18-0515-A

CHRISTINA RAY	§	IN THE COUNTY COURT
	§	
VS.	§	AT LAW NUMBER ____
	§	
LIBRADO DE HOYOS and	§	
DONNA INDEPENDENT SCHOOL	§	
DISTRICT	§	HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CHRISTINA RAY**, herein referred to as "Plaintiff", complaining of **LIBRADO DE HOYOS**, individually herein referred to as "Defendant De Hoyos" and as administrator of **DONNA INDEPENDENT SCHOOL DISTRICT** herein referred to as "Defendant Employer" and will show unto the court as follows:

I.

VENUE AND SERVICE

The Plaintiff Christina D. Ray at all relevant times resides in Donna, Hidalgo County, Texas.

The Defendant Librado De Hoyos may be served as follows: 2304 Jay Drive, San Juan, Texas 78589 or wherever he may be found by private process server.

The Defendant Donna Independent School District may be served as follows: Fernando Castillo, 904 Hester Avenue, Donna, Texas 78537 by private process server

II.

DISCOVERY PLAN

The Plaintiff intends to proceed on a level II discovery plan in this action.

Pursuant to Texas Rules of Civil Procedure Rule 190.1, Plaintiff intends to conduct discovery in this case under Level 2.

III.

VENUE AND JURISDICTION

Venue is proper in Hidalgo County, Texas in that the incident made the basis of

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this Cause of Action occurred in Hidalgo County, Texas.

IV.
ADMINISTRATIVE PROCEDURES

Plaintiff filed a sexual harassment claim with the Texas Workforce Commission Civil Rights Division. On November 2, 2017 the Texas Workforce Commission issued a "Notice of Suit Rights" letter.

V.
BACKGROUND

On or about October 2015, the Defendant De Hoyos began making comments of a sexual nature to the Plaintiff. These unelicited comments eventually lead to unsolicited sexual advances. These advances eventually resulted in the Plaintiff accepting an offer by Defendant De Hoyos to meet him at a local bar for drinks. After the Plaintiff had several drinks, and when she was unable to make a conscious decision, she allowed the Defendant to take her to his home. A sexual encounter then occurred.

The Plaintiff terminated the relationship on January 2016. The Defendant De Hoyos continued to harass the Plaintiff in violation of Texas Statutes. The Defendant began making lewd and vicious comments about the Plaintiff in front of her co-employees.

Plaintiff will show she was a faithful employee of the Defendant Employer until she was fired on June 2, 2017. Plaintiff filed a sexual harassment complaint against her immediate supervisor.

Plaintiff will show that her termination was in retaliation of her having in good faith filed a complaint relating to sexual harassment.

The Plaintiff will show that the Defendant Employer knew or should have known of the dangerous propensities when they hired Defendant De Hoyos. Defendant De Hoyos has a history of similar accusations made against him in his prior employment. The hiring of such individual would pose a threat to any employee of the district. The District also became aware of Defendant De Hoyos harassing other employees

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ultimately resulting in his termination. The hiring of Defendant De Hoyos was not only negligent but gross negligent.

VI.

CAUSES OF ACTION

The Plaintiff filed a complaint with the Texas Workforce Commission Civil Rights Division complaining that her termination was in retaliation due to reporting on the job sexual harassment. The Texas Workforce Commission issued a "Right to Sue" letter dated November 2, 2017.

Plaintiff will show that Donna I.S.D. did not have "good cause" to terminate her employment. Plaintiff will show that she was discriminated against in violation of the Texas Commission on Human Rights Act ("TCHRA").

Plaintiff will show that there was no legitimate business justification for her employment termination in that she was never reprimanded or suspended.

Plaintiff alleges that her pre-textual employment termination is part of a larger unwritten plan or scheme of the Defendant to retaliate against her. An employer is precluded by Texas statutes from discharging an individual or otherwise discriminating based on race, color, disability, religion, sex, nation origin, or age.

VII.

DAMAGES

The Plaintiff will show that as a result of her termination she suffered past and future loss of wages and has and will suffer mental anguish in amounts exceeding jurisdiction to this court. Plaintiff will show that she in good faith filed a sexual harassment complaint and that the Defendant's retaliation reflects an entire want of care toward her situation and therefore, she is entitled to exemplary damages. As a result Plaintiff has incurred reasonable attorney fees.

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VIII.
REQUEST FOR DISCLOSURES


PURSUANT TO RULE 194 of the Texas Rules of Civil Procedure, you are requested to disclose within thirty (30) days from the date of service of this request, the information or material described in Rule 194.2(a)-(j).

WHEREFORE PREMISES CONSIDERED, the Plaintiff prays that the Defendant be cited to appear and answer. The Plaintiff upon trial of this matter receive a judgment against the Defendant in the amount exceeding the minimum jurisdiction of this court. The Plaintiff further requests any other general or special relief, both in equity and at law, that she may justly show herself entitled to. The Plaintiff request prejudgment and post judgment interest at the prevailing judgment rate. The Plaintiff further requests her costs of court.

Respectfully submitted,

OXFORD & GONZALEZ
ATTORNEYS AT LAW
P.O. DRAWER 630
124 S. 12th
Edinburg, Texas 78540
Telephone: (956) 383-5654
Telecopier: (956) 381-0002

BY:



Ricardo Gonzalez
State Bar No. 24077817
ATTORNEY FOR PLAINTIFF